

Art Unit: 1644

DETAILED ACTION

1. Applicant's amendment, filed 05/27/2011, has been entered.

Claims 2-10, 15, 20, 25-28, 33, 36, 38-42, 46, 49 and 51 have been amended.

Claims 61-76 have been added.

Claim 1 has been canceled.

Claims 11-14, 16-19 and 21-24 have been canceled previously.

Applicant's amendment, filed 08/09/2011, has been entered.

Claims 10, 15, 20, 36, 38, 42-43, 46, 50, 51, 70, 71, 75 and 76 have been amended.

Claims 77-81 have been added.

Claim 61 has been canceled.

Claims 1, 11-14, 16-19 and 21-24 have been canceled previously.

Claims 2-10, 15, 20, 25-60 and 62-81 are pending.

REASONS FOR ALLOWANCE

2. The following is an Examiner's Statement of Reasons for Allowance:

Upon reconsideration of applicant's amended claims and arguments, filed 05/27/2011 and 08/09/2011,

the instant anti-CSaR antibodies and corresponding methods appear to be free of the prior art.

Given the Whitfield Declaration, filed 05/27/2011; the requirements for the deposit of the biological material 12D4 / 12D4-N17 antibody/hybridoma under 35 U.S.C. 112 first paragraph, enablement have been satisfied.

Accordingly, the instant claims are deemed allowable.

Claims previously withdrawn from consideration as a result of a restriction requirement are all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement requires invention Group III, as set forth in the Office Action mailed on 10/14/2010, is hereby withdrawn and newly added claims 45-47 hereby rejoined and fully examined for patentability under 37 CFR

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1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See In re Ziegler, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phillip Gambel/

Primary Examiner
Technology Center 1600
Art Unit 1644
September 7, 2011